

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Metzger)	Examiner:	Asfand M. Sheikh
)		
Serial No.:	10/802,558)	Art Unit:	3627
)		
Filing Date:	March 17, 2004)	Confirmation No.:	3723
)		
Title:	System and Method for)	Attorney Ref.:	18474.01US2
	Sales and Inventory)		
	Reconciliation)		
)		

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(e)(1) and 1.97(e)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, the items of information listed on the enclosed Form PTO-1449 are brought to the attention of the Examiner.

This statement should be considered because it is being submitted in accordance with 37 CFR § 1.97(e)(1) and 37 CFR § 1.97(e)(2).

Applicant hereby certifies under 37 C.F.R. § 1.97(e)(1) that the Mexican Office Action dated August 28, 2009 which is cited in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

Applicant also certifies under 37 CFR § 1.97(e)(2), that the Final Office Action dated August 21, 2009 for co-pending application 11/226,130 which is cited in this Statement was not cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information

Certificate of Electronic Transmission Under 37 CFR §1.8: I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office using the EFS-Web System on October 19, 2009.

By: /Marianne A. Hall/
Marianne A. Hall

contained in this Statement was known to any individual designated in 37 C.F.R. §1.56(c), more than three months prior to the filing of this Statement.

In accordance with 37 C.F.R. § 1.98 (a)(2), a legible copy of each reference listed on this Information Disclosure Statement (other than U.S. Patents and U.S. Patent Application Publications) is enclosed.

There are several related applications to the present application, including the following:

- U.S. Patent Application No. 11/226,130, filed on September 14, 2005; and
- U.S. Patent Application No. 11/340,302, filed on January 26, 2006;

In accordance with 37 C.F.R. § 1.104, no representation is made that a reference is “prior art” within the meaning of 35 U.S.C. §§ 102 and 103 and Applicant reserves the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the references are not “prior art.” Moreover, Applicant does not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the listed items is respectfully requested. Pursuant to the provisions of MPEP 609, it is requested that the Examiner return a copy of the attached Form PTO-1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

It is believed that no fee is required for this submission. To the extent any fee is required, it may be charged to our firm’s deposit account no. 502,261.

Respectfully submitted,

Date: October 19, 2009

/Michael A. Carrillo/
Michael A. Carrillo, Reg. No. 44,595
Neal, Gerber & Eisenberg LLP
2 North LaSalle Street
Suite 1700
Chicago, Illinois 60602
(312) 269 – 8000